

Brain Storming of WI CAFO Transfer Face-to-Face Topics:

- Introductions
- Discussion about NPDES program transfers:
 - Relevant general provisions and guidance
 - Overview of the program approval process
 - WI and EPA discuss path to complete program approval
- Discussion of what constitutes a complete NPDES partial program eligible for transfer:
 - EPA provides guidance/thoughts/analysis as to what is a complete partial program:
 - Statutes and regulations to consider
 - Oklahoma example
 - Discussion of WI's thoughts of how the discharges are divided between WDNR and DATCP:
 - Discharges: including stormwater, CAFO direct dischargers, cooling water.
 - Enforcement, including AFOs
 - Financial and personnel resources
- Discussion of required statutory authorities (all or a subset) for DATCP based on the 1986 EPA state program approval guidance (vol. 1 pages 3-1 to 3-24 {general NPDES program}, and 3-34 {general permit program})¹, listed below:
 - Authority to Issue Permits
 - Authority to Deny Permits in Certain Cases
 - Authority to Apply Federal Standards and Requirements to Direct Dischargers
 - Authority to Limit Permit Duration
 - Authority to Require Notice of Introduction of Pollutants into POTWs
 - Authority to Issue Notices, Transmit Data, and Provide Opportunity for Public Hearings
 - Authority to Provide Public Access to Information
 - Authority to Modify, Revoke, and Reissue or Terminate Permits
 - Conflicts of Interest
 - Incorporation by Reference
 - Authority to Issue General Permits
 - Other topics for discussion at a later date: Authority for Entry, Inspection, and Sampling; and Applying Monitoring, Recording, and Reporting Requirements to Direct dischargers, Authority to Enforce the Permit and Permit Program, Authority to enforce general permits
- Discussion of a subset of regulatory authorities required for DATCP based on 1986 EPA state program approval guidance (vol. 1 pages 4-1 to 4-41 {general NPDES program} and 4-55 to 4-56 {general permits}):¹
- Discussion of how the statutes could be worded to accomplish the division of authorities between WDNR and DATCP

¹ National Pollutant Discharge Elimination System State Program Guidance for Development and Review of State Program Applications and Evaluation of State Legal Authorities (40 CFR Parts 122-125 and 403) Volume One, EPA Office of Water, 1986.

- Follow up questions, next steps, and project assignments

As time allows:

- Discussion on how regulations could be worded and discussion of Wis. Act 21's implications for drafting of regulations
- EPA issue spotting in:
 - Existing WDNR statutes
 - Existing CAFO regulations
 - Existing General NPDES program regulations: for example, WI LAR Issue 5
- Components of program not needed by DATCP
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